

RESOLUTION NO. D4-07

**A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT
REVIEW COMMITTEE RECOMMENDING THAT THE
PLANNING COMMISSION APPROVE A TEXT AMENDMENT
TO SECTION 9.5-247(I) OF THE MONROE COUNTY LAND
DEVELOPMENT REGULATIONS TO CLARIFY THAT THERE
IS NO REQUIREMENT TO RESIDE IN COMMERCIAL
FISHING SPECIAL DISTRICT – 12 (CFSD-12 LOCATED ON
BIG PINE) IN ORDER TO ENGAGE IN COMERCIAL FISHING
OPERATIONS SUCH AS PROCESSING AND PACKAGING,
TRAP STORAGE AND CONSTRUCTION**

WHEREAS, On February 16, 2007 the Development Review Committee reviewed the proposed text amendment and made a finding of the following facts:

1. Monroe County has adopted the Year 2010 Comprehensive Plan (comprehensive plan);
2. The Monroe County Board of County Commissioners found that the comprehensive plan is necessary to preserve, promote, protect and improve the public health, safety and general welfare;
3. The adopted comprehensive plan contains goals, objectives, policies, for regulating future development and redevelopment;
4. Policy 101.4.6 of the comprehensive plan provides for the maintenance and enhancement of commercial fishing and related traditional uses such as retail, storage, and repair and maintenance which support the commercial fishing industry, and residential uses;
5. GOAL 212 of the comprehensive plan prioritizes shoreline land uses and establishes criteria for shoreline development in order to preserve and enhance coastal resources and to ensure the continued economic viability of the County;
6. Objective 212.1 of the comprehensive plan provides for the implementation of measures for regulating shoreline uses consistent with the following order of priorities:
 - a.) water-dependent uses,
 - b.) water-related uses, and
 - c.) uses that are not dependent upon or related to shoreline access;
7. Policy 212.1.3 of the comprehensive plan provides for the maintenance of existing commercial fishing operations as conforming uses; and

WHEREAS, A staff report presented to the Development Review Committee on February 16, 2007 made the following conclusions of law:

1. The proposed text amendment meets two (2) of the factors in Section 9.5-511 of the Monroe County Code that the BOCC may consider for amending the land use regulations;

(iv) New issues.

Recent complaints by commercial fishermen who own land in CFSD 12, but do not reside within the district, petitioned the BOCC at their December 2006 meeting to direct staff to initiate a text amendment that would codify the findings of Administrative Interpretation No. 01-119 to remove the residency requirement so that land owners in CFSD-12 who do not reside in the CFSD-12 district can use their land for processing and packaging of catch, trap construction or storage, and

(v) Recognition of a need for additional detail or comprehensiveness.

The text amendment will further the intent and purpose of the Commercial Fishing Special District (CFSD) so that all commercial fishermen in Monroe County can benefit from this land use designation, whether they reside within the district or not; and

WHEREAS, The staff report presented to the Development Review Committee on February 16, 2007 concluded that the proposed text amendment to Section 9.5-247(l) of the land development regulations is consistent with the comprehensive plan, is not incompatible with surrounding land uses, will not result in adverse community change of Planning Area 18, and is therefore in the interest of public health, safety, and welfare;

NOW, THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA:

Section 1. In consideration of the staff report and the preceding findings of fact and conclusions of law, the Development Review Committee recommends to the planning commission approval of the proposed text amendment to the Monroe County Land Development Regulations.

Section 2. Text Amendment. Section 9.5-247(l) of the Monroe County Land Development Regulations is recommended to be amended as follows:

[Amendments are presented in ~~strikethrough~~ to indicate deletions and underline to indicate additions to text. All other words, characters, and language of this subsection remain un-amended.]

(l) *CFSD 12 (Located on Big Pine):*

- (1) Subject to the limitation that no use shall involve a vessel that draws more than six (6) feet, as of right:
- a. Commercial fishing; ~~excluding processing and packaging as well as trap storage and construction by persons other than residents of the district;~~
 - b. Detached dwellings;
 - c. Accessory uses;
 - d. Collocations on existing antenna supporting structures, pursuant to article VII, division 16, section 9.5-434.5(c) "Collocations on an existing antenna-supporting structure."
 - e. Satellite earth stations less than two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations."
 - f. Home occupations--Special use permit required; commercial fishing does not require a special use permit.
- (2) Subject to the limitation that no use shall involve a vessel that draws more than six (6) feet, as a minor conditional use:
- a. Attached dwellings, provided that the structures are separated from existing detached dwellings by one hundred (100) feet or a class D buffer-yard.
 - b. Satellite earth stations greater than or equal to two (2) meters in diameter, as accessory uses, pursuant to article VII, division 16, section 9.5-434.5(f) "Satellite earth stations."

Recommended by the Monroe County Development Review Committee on the 16th day of February, A.D., 2007.

By: _____

Date: _____

Aref Joulani, Director of Planning and Environmental Resources